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*Attorneys for Plaintiff(s), John P. Zazzara, Sr.*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JOHN P. ZAZZARA, SR.

Plaintiff,

v.

UNITED STATES, EAST ORANGE  
IMAGING, and JOHN DOES 1-5 (a fictitious  
designation),

Defendant.

CIVIL ACTION NO: \_\_\_\_\_

**COMPLAINT AND JURY DEMAND**

Plaintiff(s), John P. Zazzara, Sr., (“plaintiffs” or “John P. Zazzara, Sr”), by way of  
Complaint against the defendants, states the following:

**PARTIES**

1. Plaintiff is an individual who undertook services at the Veterans Hospital in East Orange, New Jersey at Lyons VA Hospital.
2. Upon information and belief, Defendant, United States (through Department of

Veterans Affairs), East Orange Imaging, and JOHN DOES 1-5 (a fictitious designation), and their agents and servants employees, are employees acting within the scope of his or her employment at the Veterans Administration Hospital on or about April 1, 2011.

### **JURISDICTION AND VENUE**

3. This court has original jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises out of a claim against the Veterans Administration being filed under the Federal Tort Claims Act.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) in that it is the District in which the Plaintiff resides and the Defendant, a Department of the United States Government, is doing business and subject to jurisdiction. Venue is also proper in the District of New Jersey pursuant to 29 U.S.C. § 1132(e)(2) because Defendant does business in the District.

### **FACTS COMMON TO FIRST CAUSES OF ACTION**

5. On or about April 1, 2011, Plaintiff(s), John P. Zazzara, Sr., was a patient at the Administration Hospital in Lyons Veterans Administration Hospital in the city of East Orange, County of Essex, State of New Jersey.

6. On or about that date Plaintiff was caused to undergo an MRI at the Lyons Hospital, specifically East Orange Imaging at 385 Tremont Avenue, East Orange, New Jersey.

7. At that time, the technician at East Orange Imaging failed to remove a metal religious medallion and proceeded to take MRI's on three (3) separate occasions resulting in severe burning and further injuries to the arm and left shoulder of the plaintiff John P. Zazzara, Sr.

8. East Orange Imaging is an imaging center under the care, custody and control of Lyons VA Hospital located at 385 Tremont Avenue, East Orange, New Jersey.

9. A result of the negligence of the defendant, the United States, East Orange Imaging and John Does (1-5) servants and employees of VA Hospital and East Orange Imaging who performed said MRI (current names unknown).

10. Plaintiff pursuant to the Federal Tort Claims Act did file a Tort Claims Notice. On or about May 21, 2013 a letter from the office of the General Counsel indicating that the reconsideration under the Federal Tort Claims Act had been denied. That letter further indicated that pursuant to the Federal Tort Claims Act § 1346B and 2671-2680, title 28, U.S.C. stated that a tort claim act that is administratively denied may be presented to the Federal District Court for Judicial Consideration. Such suit must be initiated within the six (6) months after the date of the mailing of this notice of denial as shown on the date of this letter pursuant to section 2041(b), title 28, U.S.C.

11. Plaintiff, John P. Zazzara was caused to suffer severe adverse injuries including burning and injuries to the shoulder, left arm and neck.

12. As a result of same, plaintiff has been caused to incur expenses to care and treat for his injuries he has now and in the future will be required to undertake care and treatment to assist in a repair or remedy of the condition. Plaintiff has sustained and did sustain serious and permanent injuries requiring care and treatment of physician's hospitalization and medication and will in the future continue to be hampered in his daily activities.

13. Wherefore, plaintiff, John P. Zazzara, Sr., demands judgment against the Defendants, United States, East Orange Imaging and JOHN DOES 1-5 (a fictitious designation) said names being fictitious being the operators of the MRI in question jointly, severally and in the alternative in the amount of his damages together with interest and cost of suit.

14. Plaintiffs complaint is being filed within the six (6) month provided for by the office of the General Counsel in their letter dated May 21, 2013.

15. **WHEREFORE**, Plaintiff(s), John P. Zazzara, Sr., demands judgment be entered against the defendant United States and East Orange Imaging and JOHN DOES 1-5 (a fictitious designation) for the amount of loss and benefits due under the policy and that the court award compensatory damages; liquidated damages; punitive damages; prejudgment interest; cost of suit and attorney's fees; such as equitable relief as may be appropriate; and such other and further relief as this court deems just and proper.

#### **JURY DEMAND**

Plaintiff hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

GARY M. PRICE, ESQ.

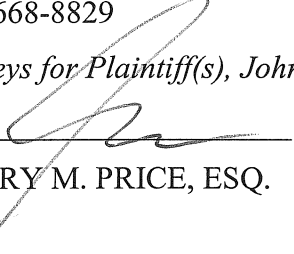
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By   
GARY M. PRICE, ESQ.

Dated: 11/19/13